

RADIO SCRIPT OF SENATOR STROM THURMOND FOR REGULAR WEEKLY BROADCAST,  
RECORDED MAY 9, 1957.

MY FRIENDS AND FELLOW CITIZENS:

During the past few years, the United States Supreme Court has handed down several decisions adversely affecting vital matters of great concern to the American people.

The first of the cases to which I refer was the notorious decision of May 17, 1954, in which it was decreed that separate but equal public schools would no longer meet the legal test, that segregation could not be enforced in the public schools.

Another case arose in Pennsylvania. The Supreme Court decided in *Pennsylvania v. Steve Nelson* that because there was a federal sedition law, a State had no authority to legislate in that field.

A third case arose in New York City. In this instance the Supreme Court ruled that the City did not have the power to dismiss a teacher who, when questioned by duly constituted authority, refused to state whether he was a communist.

On April 29 of this year, the Supreme Court handed down another verdict in a case involving a private school. The decision reversed the decision of the Pennsylvania Supreme Court, as also had happened in the *Steve Nelson* case.

This latest usurpation of power by the United States Supreme Court involved the question of whether Stephen Girard, who died in 1831, could will his estate to be used for the operation of a private school exclusively for <sup>poor</sup> white <sup>orphan</sup> boys. After 126 years, the Supreme Court has <sup>now</sup> decreed that Girard could not provide in his will for such use of his funds, that the school in Philadelphia will have to be opened to Negroes.



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This case does not involve the question of using public funds to operate the Girard school. The only public connection with the school was the fact that Girard provided in his will/that the Board of Directors of City Trusts/be trustee for the school established by Girard's will.

The plaintiffs in the case decided by the Supreme Court / contended that Negro children should not be excluded from the school / because such exclusion would violate the Fourteenth Amendment to the Constitution.

But the Pennsylvania Supreme Court declared that:

"No such question could possibly arise in the case of a private charitable trust /for the Fourteenth Amendment applies only to agencies of the State /or of a municipality within the State; it is directed solely against State, not individual, action..."

However, in spite of this distinction made by the Pennsylvania Court /in denying the application of the plaintiffs, the United States Supreme Court said:

"The Board which operates Girard College is an agency of the State of Pennsylvania. Therefore, even though the Board was acting as a trustee, its refusal to admit (the plaintiffs) ...because they were Negroes /was discrimination by the State. Such discrimination is forbidden by the Fourteenth Amendment..." *That is what the Supreme Court said.*

Thus the citizens of the United States now are faced with a new law /"written" by the Supreme Court. They cannot will their estates to be used for specific purposes /with any assurance their intent will be carried out, unless it meets with the approval of the Supreme Court.



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Apparently the Supreme Court could not distinguish between the Philadelphia Board of Trusts/acting in the capacity of trustee for Girard/and acting in an official capacity for the State. This decision, unless reversed, means that the sovereign States will have to take additional measures/to strengthen the legal bulwarks which have been established/to prevent usurpation of power by the Supreme Court.

I intend to give careful attention to this question/to determine if any action can be taken in the Congress/against such usurpation by the Supreme Court.

Before closing, I want to mention that during the past week/I received promises from the chairman of the Senate Commerce Committee that he will have hearings held on two of my bills. They are: S. 1226 which would require the labeling of cigarette packages as to contents/and S. 4 which would prohibit the serving of alcoholic drinks on airplanes. I am confident that when hearings are held, the bills will receive favorable reports. Both of these bills would greatly improve the present protection to the public interest/in such matters.

This is Strom Thurmond in Washington. Thank you for listening and this station for making this time available each week.

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